

REMARKS

Claims 1-8, 10-11, 13-22, 24-27, 31-36 and new claim 43 are pending after the present amendments. Claims 37-42 have been canceled without prejudice. Applicants gratefully acknowledge that the Office has withdrawn the previous rejection under 35 U.S.C. § 102(b).

The Office maintained the rejection of claims 31-42 under 35 U.S.C. § 112, first paragraph, for reasons of record. To expedite prosecution, claims 37-42 have been canceled without prejudice, rendering this rejection moot as to these claims. Applicants respectfully submit that claims 31-36 are enabled without undue experimentation.

In particular, the Declaration of Nicole Streiner (the "Streiner Decl." attached at Exhibit 1) demonstrates that several compounds encompassed by the claims are useful for inhibiting cell proliferation in a number of cancer cell types. The assay described in the Streiner Decl. is a standard assay, and can be routinely utilized to rapidly screen a number of compounds for anti-proliferative activity. Thus, no undue experimentation is required to determine those compounds that are operative for the methods claimed, and therefore, the claims satisfy the requirements under 35 U.S.C. § 112, first paragraph.

Furthermore, new claim 43 has been added, which depends on claim 31 and contains the additional limitation that the cell proliferative disorder is colon cancer. The Office has previously indicated that the specification is enabling for treating colon cancer. (*See*, Office action mailed June 20, 2005, at page 2). Thus, new claim 43 is enabled.

The Office also rejected claims 1, 6, 24 and 31-42 under 35 U.S.C. § 112, second paragraph. Claims 37-42 have been canceled without prejudice, rendering this rejection moot as to these claims. The amended claims do not recite the allegedly indefinite terms. In particular, the specification describes various cell proliferative disorders on page 8, ¶ 31. One of ordinary skill in the art would also understand that a cell proliferative disorder is a disorder resulting from an increase in cell number as a result of cell growth and division. (*See*, <http://www.google.com/search?hl=en&q=define%3A+inorganic+compound>, previously submitted as Exhibit 6 in the Amendment in Response to Non-Final Office Action mailed September 20, 2005).

Claims 1 and 6 have also been amended for clarity, deleting the unnecessary proviso language in claim 1, and adding the missing term “alkyl” in claim 6, which was inadvertently deleted. This amendment is supported in claim 6 as originally filed, and therefore does not contain new matter. Applicants respectfully request that these amendments be entered, which place the claims in better form for allowance.

Claims 2-5, 7, 8, 10, 11, 13-22 and 25-27 were objected to. As these dependent claims now depend on an allowable claim, Applicants respectfully request that this objection be withdrawn.

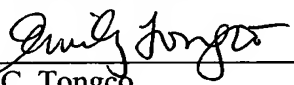
CONCLUSION

In view of the above, each of the presently pending claims is in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 532232001200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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